

# **Education Property Taxes**

## **Guidelines for Treasurers and Collectors**

(Effective for fiscal year 2016 taxes)

**Division of Property Valuation and Review**  
**Vermont Department of Taxes**



We are providing this information regarding the levy of the FY16 education taxes, and the application of the property tax adjustments provided in [32 V.S.A. § 6066a](#) and any related issues. This and other information on property taxes are available on the Department's website at [www.tax.vermont.gov](http://www.tax.vermont.gov).

If you have questions, please contact:

**Taxpayer Services Division**

802-828-2865 or 866-828-2865 (toll-free in Vermont)

Or

**Property Valuation and Review Division**

802-828-5860

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## PROPERTY TAX RATES

**Municipal Tax Rates** –The municipal legislative body (most often with the advice of the treasurer) sets the tax rate or rates needed to raise money for municipality highway and general fund expenses. The municipal rate is levied against the municipal grand list.

**Education Tax Rates** – A homestead education tax rate and a nonresidential education tax rate are set annually by the commissioner of taxes. The education tax rates are to be levied against all homestead and nonresidential parcels on the education grand list.

The education tax rates in your municipality or city depend upon your local per pupil spending and your local common level of appraisal<sup>1</sup> (CLA).

Homestead Education Rate: For tax year 2015 (FY16), the base education tax rate for homestead property is \$0.99. It will be adjusted by the district spending adjustment and by the school district's CLA.

Nonresidential Education Rate: For tax year 2015 (FY16), the base tax rate for nonresidential property is \$1.535. It will be adjusted by your school district's CLA. *The district spending adjustment does not affect the nonresidential rate.*

The commissioner of taxes will send local officials (municipal legislative bodies and treasurers) a Notice of Education Tax Rates for Fiscal Year 2016 on June 30, 2015. Property classified as homestead will be taxed at the homestead rate. Property classified as nonresidential will be taxed at the nonresidential rate.

Detailed information on how the Agency of Education determines the district spending adjustment for each school district and how the CLA adjustment is applied can be found at <http://tax.vermont.gov/pvredtaxrates.shtml>

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<sup>1</sup>The common level of appraisal is the factor applied to the education tax rates to adjust the assessments across different municipalities to more fairly reflect a state wide basis for valuation of taxable property. It corrects for the fact that not all municipalities reappraise properties in the same year.

## **FREQUENTLY ASKED QUESTIONS ON EDUCATION TAX RATES**

**We used to round our tax rates to the nearest whole cent. Can we do this for education taxes?**

No. The education tax rates you will receive about June 30 will be rounded at the 4<sup>th</sup> decimal point, e.g. \$1.7211. Those are the rates that must be levied. Neither those rates nor the local agreement rate can be rounded. You may continue to round the municipal rate if you choose.

**My municipality has a tax classification system authorized by our charter. Under the charter commercial property is assessed at 120% of appraised value. Does our charter affect how education taxes are levied?**

No. It doesn't affect the education taxes—only the municipal taxes. [32 V.S.A. § 5402\(b\) \(1\)](#).

**How are the education tax rates set?**

For tax year 2015 (FY16), the base education tax rate for homestead property is \$0.99. It is adjusted by the district spending adjustment, and by the school district's common level of appraisal (CLA).

For tax year 2015 (FY16), the base tax rate for nonresidential property is \$1.535. It is adjusted by the school district's CLA. The nonresidential tax rate is not multiplied by the district spending adjustment.

**What is the purpose of the common level of appraisal (CLA)?**

The adjustment by the CLA ensures that you and your neighbor in the next town pay a reasonable comparable of education tax on properties of equal value. The CLA is used to equalize education taxes statewide by reflecting local variations that occur based on reappraisal schedules and other factors.

Example: Let's say you have a camp in East Overshoe that is worth \$100,000. Your listers did a complete reappraisal for tax year 2012, and they've assessed you at \$100,000.

There's a camp across the town line in West Overshoe that is also worth \$100,000. The Town of West Overshoe is planning to reappraise for tax year 2017, but for tax year 2015 that camp is assessed at \$85,000.

Without the CLA, you would be taxed at the same \$1.535 tax rate. You would pay \$1,535.00. Your West Overshoe neighbor would pay 1,304.75. With the CLA, you should both pay approximately the same amount.

It is useful to think of the CLA as adjusting the listed value of the property to fair market value to ensure fairness. The West Overshoe camp is adjusted by the CLA to bring its listed value into line with the market. Let's assume West Overshoe's CLA of 85.00% and East Overshoe's CLA is 100.00%

$(\text{Assessed Value}) \$85,000 \div (\text{CLA}) .85 = (\text{Adjusted Value}) \$100,000.$

Now the taxes paid by the two camps would be approximately the same.

### **How does the spending level voted in my town affect the homestead education tax rate?**

The tax rate levied on homestead property is adjusted upward if the residents of that school district spend more than the “base education spending” amount. The base is \$9,459 per pupil for tax year 2015 (FY16). Here’s an illustration of how the rate is adjusted.

Say your local school budget provides for spending of \$13,525 per pupil. The homestead base tax rate of \$0.99 will be adjusted to raise enough money to cover the per-pupil spending voted on by the town. It will be adjusted higher in proportion to the amount your voters decided to spend over \$9,459 per pupil. In this example, the district spending adjustment is:

$(\text{Locally Approved Per Pupil Spending}) \$13,525 \div (\text{Base Education Spending}) \$9,459 =$   
 $(\text{District Spending Adjustment}) 1.4299 \text{ or } 142.99\%$

The effective homestead tax rate is now calculated in the following way:

$(\text{Homestead Base Tax Rate}) \$0.99 \times (\text{District Spending Adjustment}) 1.4299 = (\text{Effective Homestead Tax Rate}) \$1.4156.$

For the Homestead Tax Rate that is applied in your tax bill take the Effective Homestead Tax Rate and divide it by the CLA. Assume the CLA is 90.00%.

$(\text{Effective Homestead Rate}) \$1.4156 \div (\text{CLA}) 0.90 = (\text{Homestead Tax Rate}) \$1.5728$

Keep in mind that some town districts are also members of union school districts or unified school districts. In those instances, the tax rate is a combination of the individual rates of the different districts of which you are a member.

### **Is the nonresidential tax rate of \$1.535 adjusted to reflect spending over the “base education payment?”**

No. The rate for nonresidential property is the same for all property in Vermont. It is adjusted only by the common level of appraisal (CLA). If the CLA is 90.00% the rate becomes:

$(\text{Nonresidential Base Tax Rate}) \$1.535 \div (\text{CLA}) .90 = (\text{Nonresidential Tax Rate}) \$1.7056.$

### **Will there be towns where the nonresidential tax rate is lower than the homestead tax rate?**

Yes. In towns with **per pupil spending in excess of \$14,666, the homestead rate will be higher** than the nonresidential rate for fiscal year 2016. Consider a school district with spending of \$14,900 per pupil.

(Locally Approved per Pupil Spending) \$14,900 ÷ (Base Education Spending) \$9,459 = (District Spending Adjustment) 1.5752

(Base Homestead Rate) \$0.99 x (District Spending Adjustment) 1.5752 = (Effective Homestead Tax Rate) \$1.5595.

(Effective Homestead Rate) \$1.5595 ÷ (CLA) 0.9000 = (Homestead Tax Rate) \$1.7327

The Homestead tax rate is \$1.7327

The Non-Residential tax rate is \$1.7056

**Is there an additional adjustment for school districts whose per pupil spending is a lot more (excess spending) than the average statewide?**

Yes. If a town has “excess spending,” then the Department of Education includes that excess twice in the computation of its district spending adjustment. [32 V.S.A. §§5401\(12\) and 5401\(13\)](#). Excess spending means the per-pupil spending (less eligible construction costs) is in excess of 125% of the excess spending base. For tax year 2015 (FY16), the excess spending base is \$13,682. So the threshold is \$17,103= (1.25 x \$13,682).

Your school district spends \$17,800 per pupil.

The Per Pupil excess spending is:

(Per-Pupil spending) \$17,800 – (the Threshold) \$17,103 = (Excess spending) \$697

The district spending adjustment is:

[(District spending) 17,800 + (Excess spending) 697] ÷ (Base spending) 9,459 = \$1.9555

Homestead Tax (CLA is 85.00%):

(District spending adjustment) \$ 1.9555 x (Base rate) \$0.99 ÷ (CLA) .85 = \$2.2776

In this example, the excess spending adjustment adds .0858 cents to the homestead rate.

**My town is completing a reappraisal for the April 1, 2015 grand list. Using the common level (CLA) of appraisal to adjust the tax rates doesn't seem fair. Our CLA was 85% based on last year's grand list. The tax bills for this year will use a grand list that is at 100% of market value. Will the tax rates be adjusted to account for reappraisals?**

Yes. In those towns that have reappraised for 2015, the CLA used to calculate the rates will be the ratio of the reappraised 2015 education grand list to the equalized education grand list certified January 1, 2015. The Director of PVR is charged by statute with determining whether a reappraisal has occurred that warrants a new CLA. [32 V.S.A. §5406\(c\)](#).

**Towns also levy taxes for highways and other municipal services. Are there different rates for homestead and nonresidential properties?**

No. Municipal taxes that pay for highways and other municipal services are levied on the municipal grand list. With the exception of the few communities that have different rates in accord with their charter, municipal taxes are not subject to tax classification.

The selectboard determines the amount to be raised from taxes and divides that figure by the total municipal grand list established by the listers. [17 V.S.A. §2664](#). There is no adjustment for the common level of appraisal as there is no need to adjust the municipal values to a single point in time. This is not a state tax requiring equalization across towns.

**It says on material with my tax bill that some people are able to pay their education tax based on income rather than on the value of their property. How does that work?**

There is a property tax adjustment worksheet on the Department's website at <http://www.state.vt.us/tax/propertyadj.shtml>. It can be used to estimate the property tax adjustment credit.

The classification of property as homestead assures that a Vermont resident will not pay more than the statutorily established percentage of household income for property taxes on his or her homestead (house and up to two acres). The difference between the taxpayer's property tax bill and the property tax based on household income is paid by the state in the form of a property tax adjustment credit. The money is paid directly to the town. The town then issues the homeowner a property tax bill for the net due. The property tax adjustment calculation uses prior year household income and prior year property taxes.

**Who do I contact if I need more information?**

Call the Taxpayer Services Division at 802-828-2865 or 866-828-2865 (toll-free in Vermont). You can also send e-mail to [schooltax@state.vt.us](mailto:schooltax@state.vt.us)

## LOCAL AGREEMENT RATE

If your municipality or city has non-approved locally voted exemptions or tax stabilization agreements, you must set a local agreement rate to raise foregone school taxes.

*A municipality shall assess a tax on its municipal grand list at a rate sufficient to raise an amount equal to the difference between the municipality's total education property tax liability to the state under this chapter and the amount collected from education property taxes in the municipality after reductions for all tax agreements in effect in the municipality as defined in subsection (c) of this section. Any such tax assessed under this section shall be identified on the tax bill of the municipality as a separate tax for municipally voted tax agreements. [32 V.S.A. § 5404a\(d\)](#).*

The abstract of the grand list (form 411) will indicate whether non-approved local agreements are contained in the grand list. If there are such agreements, a local agreement rate must be levied. The listers/assessor in your municipality can answer questions on these agreements.

**Setting the local agreement rate:** The local agreement rate reflects how much education tax revenue was foregone as a result of the local agreement. The municipality is required to collect enough revenue to reimburse the state education fund for the foregone revenue. Example:

The municipality voters have decided to stabilize the taxes on a business that is expanding in the municipality. The municipal legislative body has entered into an agreement with the owner to exempt \$500,000 business stabilization value for each of the next five years. [24 VSA § 2741](#). The voters have also decided to exempt an **additional** \$15,000 list value on homes owned by qualifying veterans. [32 VSA § 3802](#)(11). There are 10 such properties for a total reduction in homestead listed value of \$150,000.

For the purposes of this example:

The nonresidential (NR) education tax rate is \$1.7822.

The homestead (HS) education tax rate is \$1.5638.

The local agreement rate consists of the nonresidential portion (the 500,000 business stabilization value) and the homestead portion (150,000 veteran's exemption).

The total municipal grand list for your municipality is \$5,020,000.

First, convert the total listed values to Grand List (GL) values by multiplying the listed value times .01. Then multiply the GL value by the tax rate to get the estimated taxes levied.

(Business Stabilization Value) 500,000 x .01 = (Business Stabilization GL) \$5,000

(Business Stabilization GL) 5,000 x (NR Tax Rate) \$1.7822 =  
(Forgone NR Tax) \$8,911.00

(Veteran Properties) 10 x (Local Veteran Exemption Value) \$15,000 x .01 =  
(Local Veteran Exemption GL) 1,500

$$\begin{aligned} &(\text{Local Vet Exemption GL}) 1,500 \times (\text{HS Tax Rate}) 1.5638 = \\ &(\text{Foregone HS Tax}) \$2,345.70 \end{aligned}$$

Add the two estimated taxes:

$$\begin{aligned} &(\text{Foregone NRI tax}) \$8,911.00 + (\text{Foregone HS tax}) \$2,345.70 = \\ &(\text{Total Foregone Education Tax Revenue}) \$11,256.70. \end{aligned}$$

The local agreement rate would be determined by dividing the total foregone revenue by the municipal grand list:

$$\begin{aligned} &(\text{Total Foregone Education Tax Revenue}) \$11,256.70 \div (\text{Municipal GL}) \$5,020,000 = \\ &(\text{Local Agreement Rate}) \$0.00224. \end{aligned}$$

Round to 4 decimals: \$0.0022

## PROPERTY TAX ADJUSTMENT CREDITS

(Payment Based on Income)

Eligible Vermonters may apply to the Vermont Department of Taxes for a property tax adjustment credit by filing Form HS-122 together with Schedule HI-144.

The first credit amounts to be applied to the tax bills will be placed on the ftp server on July 1. The file includes data from timely filed applications (filed by April 15).

The majority of Vermont communities use New England Municipal Resources Center (NEMRC) grand list administration software which accommodates these credits for tax billing and accounting purposes.

Simultaneous with the credit file being uploaded for municipalities to retrieve, the Department:

- notifies the municipality treasurer of the amounts of the credits; **and**
- sends a notice to the taxpayers detailing what makes up the credits, e.g. personal income tax refund, incentive payment, and property tax adjustment, total credit, etc.

The tax bill to be issued by the municipality must reflect the deduction noticed.

### **So what is the final due date for filing property tax adjustments for 2015?**

For 2015 (FY 2016), taxpayers have until October 15, 2015 to file adjustment claims with the Department. This change is now a part of statute as of the 2014 Legislative session where the final date was moved from September 1 to October 15. This change makes the final date for filing adjustments the same as the final date for filing income tax returns that are under extension. In many respects, this makes sense as an income tax return filed under extension will often result in a change to a taxpayer's Household Income and therefore affect the amount the property tax adjustment that is due a homestead property owner.

### **What about the final date for filing homestead declarations – was it also extended?**

For 2015 (FY 2016), taxpayers will also have until October 15, 2015 to file homestead declarations with the Department, and the Department will treat them as valid declarations and forward them to the appropriate municipality. For FY 2016 declarations may be filed thru October 15, 2015.

Declarations filed by end of October 15 will be made available to Listers on the Department's server like earlier declaration information. They will be accepted and the classification status on the grand list will be changed, but because they are not timely they are subject to penalty (to be retained by the municipality) that is assessed against all declarations filed after April 15. The municipal legislative body now has the authority to determine whether to impose a penalty and to set the amount of the penalty up to 3% of the outstanding balance if a property is homestead and the owner has not declared it as a homestead but is actually the taxpayer's homestead. If the

non-residential tax rate is lower than the homestead tax rate and a homestead is not properly declared, the penalty may be up to 8%.

### **So how are municipal Listers and Treasurers supposed to receive information about adjustments?**

Below are a number of examples that describe how the Department will be sending different types of adjustment information to municipalities.

### **“Data for the Municipality” File**

The taxpayer will file on time with the correct information and the data will flow to the municipality allowing for the credit to be issued on the initial tax bill. Example # 1—Sally Perfect:

**1. Sally Perfect** files a timely HS-122 and has a \$500.00 adjustment payment due and has requested that \$100.00 of income refund be applied.

- 7/1/15 Correspondence is mailed to Sally from the Department stating that \$601.00<sup>2</sup> will be applied to SPAN 123-456-11125.
- 7/1/15 the municipality will get a “Data to the Municipality” file and Sally will appear as follows: 123-456-11125, Perfect, Sally, Anywhere Street, 601.00<sup>2</sup>, 2015.

The following examples will show what will happen when everything is not perfect.

**2. Tom Badfellow** timely files an HS-122 and has a \$600.00 adjustment. On June 1, 2015 the listers used the “Listers’ response” and sent Tom’s property SPAN to the Department as NR(nonresident) thus notifying the Department that the listers do not believe this property is a homestead. On July 15, 2015, the Department sends an NR Letter to Tom giving him an opportunity to respond. Meanwhile:

- 7/1/15 Correspondence is mailed to Tom from the Department stating that \$600.00 will be applied to SPAN 123-456-91264.
- 7/1/15 The municipality will get a “Data to the Municipality” file, and Tom will appear as follows: 123-456-91264, Badfellow, Tom, Anywhere Street, 600.00, 2015

Then on 7/30/15 Tom writes back to the Department stating the property is not his primary residence.

What happens then?

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<sup>2</sup> Incentive for applying portion of income tax credit to property tax is additional 1%. That’s where the extra \$1 comes from—it’s 1% of the \$100.

- State will make the HS-122 informational (non-operational). The Department will bill Tom back for the \$600.00.
- The municipality will get a delete in the weekly homestead file shutting the homestead flag off on that SPAN. The municipality will issue a corrected tax bill to the taxpayer at the non-residential rate that reflects the \$600.00 credit to Tom's tax bill.

**3. Jim Duemoremoney** files a HS-122 and has a \$100.00 adjustment payment due.

- 7/1/15 Correspondence is mailed to Jim from the Department stating that \$100.00 will be applied to SPAN 123-456-66222.
- 7/1/15 The municipality gets a "Data to the Municipality" file and Jim appears as follows: 123-456-66222, Duemoremoney, Jim, Anywhere Street, 100.00, 2015.

Then on 7/11/15 Jim sends a letter to the Department stating that there is an error on his property tax adjustment. The letter also includes an amended HS-122 form. The state corrects Jim's adjustment claim and Jim is due an additional \$300.00 adjustment credit.

What happens?

- 9/15/15 Correspondence is mailed to Jim from the department stating that an additional \$300.00 will be applied to SPAN 123-456-66222.
- 9/15/15 the municipality will get a "Data to the Municipality" file and Jim will appear as follows: 123-456-66222, Duemoremoney, Jim, Anywhere Street, 300.00, 2015
- The municipality will issue a corrected tax bill to the taxpayer reflecting the additional \$300 credit.

**4. On June 2, 2015, the Department receives an HS-122 from Joshua Untimely.** He has a \$500 adjustment.

What will happen with this untimely claim?

- 6/15/15 The weekly homestead file will have an "add" for SPAN 123-456-77788. When the tax bill is issued, the municipality will charge a penalty on the school tax for untimely filing of the property tax adjustment.
- 9/15/15 Correspondence is mailed to Joshua from the Department stating that \$485.00 will be applied to SPAN 123-456-77788 (retention of \$15 fee for untimely filing).
- 9/15/15 The municipality will get a "Data to the Municipality" file and Joshua will appear as follows: 123-456-77788, Untimely, Joshua, Anywhere Street, 500.00, 15.00, 485.00, 2015.

- The municipality will issue a corrected tax bill to the taxpayer showing a \$485.00 adjustment payment. (*Municipality will retain the \$15.00 fee for issuing the corrected tax bill*).

**5.** On October 16, 2015, the Department receives an HS-122 from **Evan MoreUntimely**. He has applied for both a homestead declaration and an adjustment. He has a \$200 adjustment.

What will happen with this untimely claim filed after October 15?

- 11/1/15 The weekly homestead file will have an “add” for SPAN 123-456-10444. When the tax bill is issued, the municipality will charge a \$15 penalty on the tax bill for failing to file a required declaration by April 15.
- 11/1/15 Correspondence is mailed to Evan from the Department stating that \$185.00 will be applied to SPAN 123-456-10444 (retention of \$15 fee for untimely filing).
- 11/1/15 The municipality will get a “Data to the Municipality” file and Evan More will appear as follows: 123-456-10444, MoreUntimely, Evan, Anywhere Street, 200.00, 15.00, 185.00, 2015.
- The municipality will issue a corrected tax bill to the taxpayer reflecting a \$185.00 adjustment payment. (*Municipality will retain the \$15.00 fee for issuing the corrected tax bill if new bill is issued as a result of an untimely filed property tax adjustment claim only*))

### **“Edit the Credit “Weekly file (after 7/1/15)”**

**6. Larry Incorrect SPAN** files an HS-122. He has a \$500 adjustment. It is later learned he filed using the incorrect SPAN.

- 7/1/15 Correspondence is mailed to Larry from the Department stating that \$500.00 will be applied to SPAN 123-456-33333.
- 7/1/15 The municipality will get a “Data to the Municipality” file, and Larry will appear as follows: 123-456-33333, IncorrectSPAN, Larry, Anywhere Street, 500.00, 2015.

On 8/15/15 Larry calls the Department and says he received his property tax bill and it has two problems. It is billed at the non-residential rate, and he does not have his \$500.00 credit.

The Department researches the issue and finds that his return was filed under an incorrect SPAN number. It should be 33339. The Department fixes the SPAN number. Then, here’s what happens:

- 8/20/15 the municipality will get an “add and delete” in the weekly homestead file. Turn off the homestead flag on SPAN ending 33333 and turn on the homestead flag for SPAN ending 33339.

- Also on 8/20/15 the municipality will get a weekly “Edit the Credit” file. The file will reflect that SPAN ending 33333 should have \$0.00 for a credit and that SPAN 33339 should have a credit of \$500.00
- The municipality will then issue corrected tax bills for each SPAN to give the proper rates and credits.

### **What happens if the property tax adjustment claim is filed timely, but then amended after the due date?**

A HS-122 is filed April 10, 2015. The tax bill goes out July 15, 2015, and includes a property tax credit.

Another HS-122 is filed August 1, 2015, that contains changed property tax adjustment information. The municipality retrieves the September 15, 2015, tax adjustment data that reflects the August 1, 2015 HS-122. The necessary action will depend on whether the credit has increased or decreased.

Credit amount decreased. The amended HS-122 results in the taxpayer being due less of a credit than was on the original tax bill. The Municipality is not notified. The Department bills the taxpayer for the amount of the overpayment.

*The municipality will not be asked to collect any overpayment of the credit from the taxpayer that was the result of an amended or rescinded property tax adjustment claim. The state will collect from the taxpayer in those instances.*

Credit amount increased. The amended HS-122 results in the taxpayer being due more of a credit than the original bill. The municipality issues a corrected tax bill with the higher credit. The municipality does not receive \$15 for the issuing of a new tax bill that is sent as a result of an *amended* property tax adjustment claim (\$15 fee retained if new bill is issued as a result of an *untimely* filed property tax adjustment claim only). If the original bill was already paid and the taxpayer now has a credit, the municipality issues a check to the taxpayer for the credit provided there are no back taxes, interest or penalties for the current or previous years.. The check is to be issued within 20 days of the first date upon which taxes become due and payable or 20 days after notification by the commissioner, whichever is later. [32 V.S.A. § 6066a\(f\)\(4\)](#) .

### **How is the 2015 property tax adjustment calculated?**

The 2015 property tax adjustment is based on 2014 household income and the 2014 property taxes levied on the housesite. At the Department website property owners can use the “2015 Adjustment worksheet” under “More Information” to calculate an estimated property tax adjustment. Go to <http://www.tax.vermont.gov/propertyadj.shtml>

### **When does the Municipality receive information on the credit amounts?**

The Department will place a file containing all property tax adjustment amounts for timely-filed claims on the ftp server on **July 1, 2015**.

The Department will place a file containing all untimely-filed property tax adjustment amounts filed after April 15 and before September 1, 2015 on the ftp server **on September 15, 2015**.

The Department will place a file containing all untimely-filed property tax adjustment amounts for claims filed after September 1 but by October 15 on the ftp server on **November 1, 2015**.

Any claims received after October 15, 2015, are late and will be rejected by the Department.

**Will homeowners receive an itemization of what payments went towards the property tax bill?**

**Yes.** Claimants will receive a detailed notice from the Department:

- For property tax adjustment claims filed by April 15, 2015, the Department sends notification to the claimant July 1, 2015.
- For property tax adjustment claims filed after April 15 but by September 1, 2015, the Department sends notification to the claimant on September 15, 2015.
- For property tax adjustment claims filed after September 1, 2015 but by October 15, 2015, the Department sends notice to the claimant on November 1, 2015.

**When does the municipality receive the property tax adjustment money?**

**For the education tax amount of the adjustments,** municipalities do not receive actual payment of the education tax adjustment amount. Instead that amount is included in the cash flow statement the municipality treasurer receives from the Agency of Education in September and April.

**For the municipal tax amount of the adjustments,** municipalities will receive payment from the Department for the portion of the property tax adjustment credits that relate to municipal taxes. For 2015, these payments will be issued on July 1, September 15, and November 1 in accordance with [32 V.S.A. § 6066a\(g\)](#).

**If most of the property tax adjustment money flows to the school districts through the netting process, how are municipalities supposed to pay refunds to taxpayers?**

Municipalities will receive payment from the Department for the portion of the adjustment amount that is attributable to municipal taxes. This money can be used to make refunds. Though it is unlikely, if refunds exceed the amount paid to municipalities for municipal taxes, then the municipality would have to bill the school district for that amount at the end of the fiscal year.

**If the information on the notice of property tax adjustment to the claimant is incorrect, who should the homeowner contact for correction or explanation?**

Contact Taxpayer Services at 802-828-2865 or 866-828-2865 (toll-free in Vermont) or email [schooltax@state.vt.us](mailto:schooltax@state.vt.us).

**Will the property tax bill show the property tax adjustment amount so the “net” property tax bill will read like an itemized statement?**

[Title 32 section 6066a\(f\)](#) requires the total amount calculated as a property tax adjustment be shown on the net bill. This figure will include the property tax adjustment and any income tax refund designated to pay the homestead property tax plus the 1% incentive on the amount of any income tax refund.

**Is information about property tax adjustments and net payment amounts public information or should it be treated as confidential, not to be disclosed to the general public?**

This information is confidential and should not be disclosed to the general public. You cannot provide a copy of a tax bill which contains a property tax adjustment credit amount (state payment) to anyone other than the taxpayer and those people identified below. This means that while property tax bills sent to property owners will show that amount of tax due that is from the owner (i.e., net including all adjustment), bills and information given to others will show only the gross (pre-adjustments) amount of tax *except* that municipal officers and the commissioner *may* provide the information to the following persons:

- (1) An escrow agent, the owner of the property to which the adjustment applies, a municipality auditor, or a person hired by the municipality to serve as auditor;
- (2) A lawyer, including a paralegal or assistant of the lawyer, an employee or agent of a financial institution as that term is defined in [8 V.S.A. § 11101](#), an employee or agent of a credit union as that term is defined in [8 V.S.A. § 11101](#), a realtor, or certified public accountant as that term is defined in [26 V.S.A. § 13\(12\)](#) who represents that he or she has a need for the information as it pertains to a real estate transaction or to a client or customer relationship; and
- (3) Any other person as long as the taxpayer has filed a written consent to such disclosure with the municipality.

**What happens if the property sells after April 1? Will the tax bill still have the credit? Won't that complicate proration of taxes?**

When homestead property is transferred, the property tax adjustment amount is allocated to the seller. The parties to the real estate transaction may agree otherwise. [32 V.S.A. § 6063\(b\)](#).

**What is the point of filing a declaration of homestead or notice to withdraw a homestead after the October 15, 2015 (untimely filing) date? The property classification doesn't change in the grand list, and no property tax adjustment is available and the homeowner gets a late filing penalty.**

Filing an annual declaration is not optional. By law all owners of a homestead must file a declaration of homestead. If the property is no longer a homestead, a notice to rescind the declaration must be filed.

Otherwise, an owner might be tempted to try to pick and chose the tax rate to be levied on the property based upon which rate was lower that year.

## PENALTIES – LATE FILERS AND NONFILERS

When a claim is filed after April 15, the municipality retains \$15 for the cost of issuing a new bill, 32 V.S.A. § 5410(c); 6066(d). If additional tax is due to the municipality as a result of correcting the tax classification, that amount may include a penalty. 32 V.S.A. §5410(i). Finally, under 32 V.S.A. §5410(g) when notified by the Department that a property owner failed to declare a homestead or declared a nonresidential property as a homestead, the Municipality may<sup>3</sup> impose a penalty as follows:

- If a declared property is not a homestead and the homestead rate is higher than the nonresidential rate, the penalty may be set at a rate up to 3% of the education tax on the property.
- If a declared property is not a homestead and the homestead rate is lower than the nonresidential rate, the penalty may be set at a rate up to 8% of the education tax on the property.
- If a homestead is not declared and the homestead rate is lower than the nonresidential rate, the penalty may be set at a rate up to 3% of the education tax on the property.
- If a homestead is not declared and the homestead rate is higher than the nonresidential rate, the penalty may be set at a rate up to 8% of the education tax on the property.

### **I understand the homestead declaration is due April 15. What happens if it's filed after that date?**

**A. Declarations and rescissions of declarations received by the Department after April 15 but by October 15 will be forwarded to the municipalities. [32 V.S.A. § 5410\(h\)](#).** The listers will then proceed to change the tax classification of the property in the grand list book enabling the treasurer to issue an amended tax bill—or a correct tax bill in those instances where tax bills have not yet been issued. However, the revised tax bill may include a penalty as described above.

The penalty is 100% of the education tax amount if the Department determines the late filing was the result of fraud.

If the corrected tax amount is higher than the original tax amount, and the due date in your municipality has passed, the difference between the tax paid and the correct tax is delinquent and will be subject to interest as voted by the municipality (generally 1%t per month for the first three months and 1.5% per month thereafter) and to the 8% commission payable to the collector of delinquent taxes.

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<sup>3</sup> Municipalities have discretion as to whether they will impose a penalty. 32 V.S.A. §5410(g) provides them when a municipality receives a late-filed notice of declaration “the municipality shall issue a corrected tax bill that may include a penalty.” (Emphasis added) Whether to impose a penalty and the amount of the penalty are determined by the municipal legislative body.

If the corrected tax amount is lower than the original tax amount, the taxpayer will receive a refund from the municipality on the overpayment (net of any applicable penalty). No interest is due on that overpayment. An overpayment resulting from the corrected tax classification may be retained by the municipality if the tax payer has a balance due for prior year's taxes, penalties or interest. The overpayment may be applied to such **past due** amounts.

**B. Declarations or rescissions of declaration filed with the Department after October 15 is considered late filed.** Information associated with these actions will be sent to the municipality. The municipality does not amend the grand list book and should not issue a corrected tax bill at the lower tax rate. The Municipality may assess any applicable penalty related to the change in status.

If the revised tax rate is higher, the municipality will bill for the additional amount (this additional amount is penalty and retained by the municipality) plus the usual interest and commission if due on delinquent taxes.

### **Who bills and collects the penalties?**

The collector of current taxes in the municipality or city bills for and collects the penalties (both the additional tax, if due, and the amount) on current taxes. The collector of delinquent taxes bills for and collects the penalties on delinquent taxes.

### **Where does the penalty money go—to the municipality or the Education Fund?**

The additional tax, which is deemed a “penalty,” the 3% or 8% penalty (if assessed) and the \$15 late filing fee to cover the cost of issuing a new tax bill, all goes to the Municipality. [32 V.S.A. § 5410](#) (g) and (i), [32 V.S.A. § 6066a](#)(d).

**It says above that if the homestead declaration or rescission is received by the Department late but before October 15, 2015 then the taxpayer's bill will be adjusted to reflect the appropriate rate. What if the tax bill has been paid already and a refund is due? How does the taxpayer get the overpayment back?**

The municipality will refund the overpayment without interest to the taxpayer when a final reconciliation is done before the following May 15. [32 V.S.A. §5410](#)(h). Before sending the refund, the municipality will verify that there are no in unpaid past due taxes, penalties or interest due to the municipality. The municipality may reduce the refund by any amounts owed by the taxpayer.

### **Does the municipality ever have to pay interest on any refunds or overpayments that result?**

Interest is paid *only* if the credit is the result of an *appeal*. [32 VSA §5136](#)(b) provides:

(b) Whenever a municipality votes to collect interest on overdue taxes pursuant to this section, interest in like amount shall be paid by the municipality to any person making

any overpayment of taxes occurring as a result of a redetermination of the grand list of the taxpayer on appeal provided by chapter 131 of this title.

Interest is due only if the credit is the result of a grievance, an appeal to the Board of Civil Authority (BCA), as a result of an appeal to the director of PVR or through the court system.

**Example A: The homestead declaration is untimely filed.** The municipality is made aware of the receipt of the homestead declaration on July 12, but the listers do not change the taxpayer's homestead status until September. Education taxes of \$2,000 were due July 10. Full payment of \$2,000 had been received from the taxpayer prior to the due date.

The listers provide the certificate for the municipality clerk to amend the grand list to reflect the homestead declaration under errors and omissions provisions in [32 V.S.A. §4261](#). The grand list is modified to reflect classification as homestead. An amended education tax bill is issued for \$1,800. It indicates a credit of \$200 is due. No interest is due because the credit is not the result of an "appeal provided by chapter 131 of this title." The Municipality issues the credit no later than May 15 following the final true-up.

**Example B: The homestead declaration was timely received.** The declaration indicates there is a "business or rental use of improvements or other buildings." The listers classify a \$300,000 portion of the property as homestead. They classify \$200,000 as nonresidential. The taxpayer grieves the allocation of the value. She thinks only \$50,000 should be allocated as nonresidential. The grievance is denied. The taxpayer appeals to the BCA and the BCA issues a decision changing the allocation to \$310,000 homestead and \$190,000 nonresidential. The board's decision is issued after the property tax due date.

The grand list is modified by the municipality clerk to reflect the BCA decision. A corrected tax bill is issued reflecting a credit. Interest is due because the credit is the result of an "appeal provided by chapter 131 of this title."

The initial overpayment to the Education Fund will be corrected as part of the final reconciliation, but the interest must be paid by the municipality.

**Is the grand list book changed when a late homestead declaration or notice to withdraw is filed?**

The grand list book will change only if the homestead declaration or rescission of declaration was received at the Department by October 15, 2015. The Department will provide listers with updated information on declarations received on a regular basis. This will allow changes to the grand list book under errors and omissions ([32 V.S.A. §4261](#)). Corrected tax bills can then be issued on those properties.

**I just got a call from a taxpayer. He claims he overpaid his education tax because the classification was wrong in the grand list book. Is there an abatement process for such things?**

There are provisions for abatement in some circumstances. If the issue is misclassification or lister error, the Board of Tax Abatement (BTA) can act under [24 V.S.A. §1535](#). If the issue is hardship, there are provisions under [32 V.S.A. §5410\(j\)](#). Let's look at some scenarios...

**A. Jerry Soldier**'s income tax preparer notices that the tax bill for the previous year was computed using the nonresidential tax rate. The preparer lets Jerry and his wife know that they should have been taxed at the lower homestead rate. They failed to notice the error when the tax bill was issued.

Jerry calls the Department's Division of Taxpayer Services and finds there is no homestead declaration of record there. He is told by Taxpayer Services that if the property was his domicile, then he must file a homestead declaration now. The result will be an additional tax bill from the municipality for the applicable late filing penalty if there is one. He files the homestead declaration and incurs the penalty. He then requests abatement of the penalty and the overpayment (homestead rate was lower than nonresidential rate) from the municipality.

*The legislative body (generally the municipal legislative body or city council) has the authority in cases of hardship to abate all or any portion of a penalty appealable to the listers under this section and any tax, penalty, and interest arising out of a corrected property classification under this section. The legislative body may delegate this abatement authority to the board of civil authority or the board of abatement. Requests for abatement should be made to the municipal treasurer or other person designated to collect current taxes, and that person forwards all requests, with his or her recommendation, to the body authorized to grant or deny abatement. 32 V.S.A. § 5410(j).*

In his letter, Jerry Soldier explains that he is in the Vermont National Guard and was deployed to Afghanistan during the time the declaration should have been filed. He asks that he be considered for abatement on hardship grounds. ([32 V.S.A. § 5410\(j\)](#))

The municipality treasurer gives the request to the board of tax abatement (municipal legislative body delegated authority to BTA previously) and they act on the request.

**B. Tom Unfortunate** notices that the tax bill for the previous year was computed using the nonresidential tax rate. Tom knows that he and his wife should have been taxed at the lower homestead rate. They failed to notice the error when the tax bill was issued.

Tom calls the Department's Division of Taxpayer Services and finds there is a homestead declaration of record there. Taxpayer Services investigates and discovers that the homestead declaration data was transmitted to the municipality and that an error was apparently made by the listers in not properly classifying the property as a homestead in the grand list book. The Taxpayer Services staff member lets the municipality and the taxpayer know what was discovered and that the property should have been classified as a homestead.

Tom can request abatement under [24 V.S.A. § 1535](#) for the overpayment made due to the error of the listers.

Please let taxpayers know it is **their** responsibility to review their homestead/nonresidential status upon receipt of their tax bills. Classification errors brought to the listers' attention in a

timely manner can be corrected under the errors and omissions process in [32 V.S.A. § 4261](#). Timely correction will result in fewer abatement requests. The amount due in education tax from the Municipality is not affected by abatement so the Municipality bears the cost of any decision to abate taxes.

### **Is there any provision for abating the penalty?**

The legislative body (or Board of Tax Abatement or Board of Civil Authority if so delegated by the legislative body) has the authority to abate a penalty amount in cases of hardship. Requests for abatement are made to the collector of current taxes. [32 V.S.A. § 5410\(j\)](#).

### **There's a provision for abatement of penalty in cases of "hardship." What constitutes hardship?**

It can be considered hardship if the reason for an owner's filing an incorrect declaration or failing to file a correct homestead declaration was due to one or more of the following:

- (1) Full-time active military duty of the declarant outside the state.
- (2) Serious illness or disability of the declarant.
- (3) Serious illness, disability or death of an immediate family member of the declarant.
- (4) Fire, flood, or other disaster.

"Hardship" also means an owner's inability to pay as certified by the Commissioner of taxes in his or her discretion. [32 V.S.A. § 5410\(l\)](#). Any request to the municipality or city for **abatement due to inability to pay** must be accompanied by a document from the Department certifying such hardship.

## TAX BILLS

The legislative body (municipal legislative body/alderboard/city council) makes out and delivers a warrant for the collection of the taxes to the municipal official charged with collecting taxes. [24 V.S.A. § 1521](#). The municipal legislative body sets the tax rate dates on which taxes will be collected, and issues the warrant. The collector of taxes prepares and issues the tax bills based on the information available when the tax bills are prepared. In accord with [24 V.S.A. § 1521](#), [32 V.S.A. § 5402](#), and [32 V.S.A. § 6066a](#)(f) the tax bills **must** contain, among other things, the following:

- total assessed value of parcel
- SPAN number
- acreage
- value of homestead, if applicable
- value of housesite, if applicable
- homestead education tax rate
- nonresidential education tax rate
- municipal tax rate
- local agreement rate (if applicable)
- property tax adjustment credit (if applicable)
- total taxes due (net due if property tax adjustment credit applies)
- if the property includes a housesite, the amount of state education taxes and municipal taxes on that housesite.

Though not required on a tax bill, it is helpful if the tax bill or other enclosed billing information reminds taxpayers of the need to retain the tax bill for future reference. Most municipalities and cities are also printing the 3-digit school district code number on the bills. The Vermont District School Codes can be found at <http://www.state.vt.us/tax/pvr.shtml> .

There is also a tax bill insert giving information on Vermont's income sensitivity and current use programs. The text is provided by the Department. The information may be printed on the back of the tax bill or included as a separate insert. The tax bill insert can be found at <http://www.state.vt.us/tax/treascollinfo.shtml>. Detailed information on how the education tax rates were calculated can be found at <http://tax.vermont.gov/pvredtaxrates.shtml>. This link typically appears on the tax bill. A sample tax bill follows. The 2015 bills should include this information.

Remember that a tax bill containing a property tax adjustment credit (state payment) is not a public document and a copy may only be provided to those parties named in [32 V.S.A. § 3102\(k\)](#).

PAYABLE TO:

MAIL TO:

# Anytown USA 2014 Billed

555 Main Street  
Anytown, VT, USA 05888

## TAX BILL

802-555-5555

This is the only bill you will receive. Please forward to new owner if property is sold.

PARCEL ID	BILL DATE	TAX YEAR
000004.	07/21/2014	2014

Taxes unpaid after the due date are delinquent. Maximum interest as allowable by law will be charge in addition to collectors fee of 8%. Postmarks are NOT accepted as timely payment.

OWNER PUBLIC, JOHN Q  
PO BOX 313  
ANYTOWN VT 05888

# SAMPLE

### HOUSESITE TAX INFORMATION

SPAN #186-059-11057 SCL CODE: 059  
TOTAL PARCEL ACRES 19.20  
HOUSESITE VALUE 193,200  
HOUSESITE EDUCATION TAX 2,840.04  
HOUSESITE MUNICIPAL TAX 3.28  
HOUSESITE TOTAL TAX 2,843.32  
FOR INCOME TAX PURPOSES

ASSESSED VALUE		HOMESTEAD	
REAL	193,200	193,200	
TOTAL TAXABLE VALUE		193,200	
GRAND LIST VALUES		1,932.00	1,932.00
For more information about how education tax rates are determined, go online to: <a href="http://www.state.vt.us/tax/pvredtaxrates.shtml">www.state.vt.us/tax/pvredtaxrates.shtml</a>		<b>TAX RATE NAME</b>	<b>TAX RATE x GRAND LIST = TAXES</b>
		MUNICIPAL	0.0015 x1,932.00= 2.89
		LOCAL AGREEMENT	0.0002 x1,932.00= 0.39
		HOMESTEAD EDUCATION	1.4700 x1,932.00= 2840.04
		<b>TOTAL TAX</b>	
1ST 08/05/2014		2ND 02/05/2015	
PAYMENT 1421.66		PAYMENT 1421.66	
		<b>STATE PAYMENTS</b>	
		<b>NET TAX DUE</b>	
		2843.32	

Revised Bill

DETACH THE STUBS BELOW AND RETURN WITH YOUR PAYMENT

Anytown USA 2014 Billed  
TAX YEAR 2014

1ST PAYMENT DUE	
08/05/2014	
OWNER NAME	
PUBLIC, JOHN Q	
PARCEL ID	
000004.	
AMOUNT DUE	1421.66
AMOUNT PAID	<u>Revised Bill</u>

Town customisable message area.

Anytown USA 2014 Billed  
TAX YEAR 2014

2ND PAYMENT DUE	
02/05/2015	
OWNER NAME	
PUBLIC, JOHN Q	
PARCEL ID	
000004.	
AMOUNT DUE	1421.66
AMOUNT PAID	<u>Revised Bill</u>

Town customisable message area.

## **PAYMENTS TO OR FROM EDUCATION FUND (RECONCILIATION)**

Each municipality is charged with collecting the education taxes based upon the rates established by the commissioner of taxes and the values in the grand list. The amount of taxes to be collected will change during the tax year due to changes in the grand list that occur when late-filed declarations or notices to withdraw are received, appeals are settled, or changes in the grand list occur. Because of this, a process is required to reconcile education tax amounts (liabilities) to be raised by municipalities.

The reconciliation process will use the same payment dates that have been in effect for several years. A final year-end reconciliation (based on last payment and billing dates of April 30 and June 1) will ensure that municipalities and cities are only responsible for collecting the amount computed based on the established tax rates and the final grand list as of December 31, 2015. The reconciliation process is explained below.

**Please note that property tax payments to your school district are still required to be made within 20 days of your local due dates in accord with [16 V.S.A. § 426](#).**

On September 10, 2015, the first net payments of general school aid will be made to the school districts owed money from the Education Fund. The second payment to the school districts owed money from the Education Fund will occur on December 10, 2015. These payments will be estimated based on school budget information sent to the Agency of Education (AOE) by June 1, 2015, and on grand list information received at PVR by August 15, 2015.

On November 1, 2015, the first invoice will be sent to municipalities owing net property tax to the Education Fund. The invoices will be based on the same school spending and grand list information as indicated above. Payment to the Education Fund will be due December 1, 2015.

The municipalities are required to notify PVR of changes to the grand list as described in [32 V.S.A. § 5404\(b\)](#). PVR will send a reminder to the municipalities in January 2016 asking clerks to send in the latest version of the grand list which was used to determine the final tax amounts due based on the most up-to-date information along with the form 411 (the aggregate values of the Grand List). This will ensure all changes the listers have made thru appeals or under errors and omissions ([32 V.S.A. § 4261](#)) are accounted for.

The payment on April 30, 2016, will be a final reconciliation based on the updated grand list data received by the AOE on or before March 15, 2016 ([32 V.S.A. § 5402\(c\)](#)). The reconciliation will account for any May 15 refunds the municipality must make to taxpayers who filed late declarations that resulted in a lower tax bill.

The second invoice will be sent to the municipalities owing property tax to the Education Fund on May 1, 2016. This invoice will also reflect the final reconciliation. Payment will be due June 1, 2016.

## COMPENSATION TO MUNICIPALITIES

The education tax levied under [Chapter 135](#) of 32 V.S.A. is a state tax. The municipalities and cities are charged with levying and collecting that tax. The legislature provided compensation to the municipalities for this work.

Municipalities retain 0.225% of the total education tax collected. [32 V.S.A. § 5402\(c\)](#). If the total education tax in your community is \$2 million, the municipality will retain \$4,500. The actual amount to be retained will be based on the final tax amount after reconciliation for grand list changes.

In addition, the municipality retains the penalty levied on late and untimely filed homesteads. The \$15 fee deducted from untimely filed property tax adjustment claims is to compensate for the cost of producing revised tax bills.

Finally, the municipality retains any additional homestead education tax billed as a result of a homestead declaration filed or rescinded after October 15, 2015 as a penalty. This situation arises when the homestead rate is higher than the nonresidential rate and the resulting change in classification is to homestead. It also happens when the nonresidential rate is higher and the change in classification is from homestead to nonresidential.

	VERMONT DEPARTMENT of TAXES
	<b>FY16 TIMELINE</b>
July 1, 2015	The Department notifies municipalities and cities of <b>timely</b> -filed property tax adjustment credit (PTAC) amounts by placing files on ftp server
July 1, 2015	The Department sends notices to taxpayers for timely filed property tax adjustment amounts.
After July 1	Municipalities and cities begin to issue net property tax bills that reflect PTACs.
July 9, 2015	The Department begins weekly processing of information that changes the adjustment amount ("edit the credit" file). Updated information is provided electronically to municipalities.
Aug 1, 2015	For timely filed PTACs, The Department pays each municipality the PTAC amount related to municipal taxes.
Aug 15, 2015	Municipalities submit 2015 Form 411s and grand lists to PVR to be used in calculating the Ed Fund liabilities for FY 2016.
Sep 10, 2015	First payment by AOE to school districts from Ed Fund (based on preliminary 2015 grand list)
Sep 15, 2015	The Department notifies municipalities and cities (files placed on ftp server) of PTACs related to claims filed after April 15 and by September 1, 2015.
Sep 15, 2015	For PTACs filed after April 15 and by September 1, the Department pays each municipality the PTAC amount relating to municipal taxes.
Oct 15, 2015	Final day for taxpayers to file claims for PTACs
Oct 15, 2015	The last day for filing an <b>untimely</b> Homestead Declaration and Notice to Withdraw that will result in a lower tax bill.
Oct 16, 2015	Homestead declarations received from this date forward are <b>LATE</b> . <b>Untimely</b> and <b>late</b> homestead declarations/notices are subject to a penalty that may be imposed by the municipality. Grand list classification does NOT change. Taxpayer may be liable for additional property tax in the form of a penalty if tax rate for the revised classification is higher.
Nov 1, 2015	The Department notifies municipalities (files placed on ftp server) of PTACs related to claims filed after September 1 and by October 15, 2015.
Nov 1, 2015	The Department sends notices to taxpayers of PTAC amounts for claims filed after April 15 but by Oct. 15.
Nov 1, 2015	For PTACs filed after September 1 and by October 15, 2015, The Department pays each municipality the PTAC amount relating to municipal taxes.
Nov 1, 2015	First bill sent to municipality for payment into Ed Fund. Payments are due December 1, 2015 - based on preliminary 2015 grand lists.
Dec 10, 2015	Second payment to school districts from Ed Fund (based on preliminary 2015 grand lists).
March 15, 2016	Municipalities will submit a final Form 411 and grand list to the Department for Ed fund final reconciliation for FY 2016.
April 30, 2016	Final payment to school district from Ed Fund (based on reconciled 2015 grand list).
May 1, 2016	Final bill sent to municipality for payment into Ed Fund - payment due June 1, 2016 - (based on reconciled 2015 grand list).